IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5397 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RATANSINBHAI JIVABHAI

Versus

LIMBDI MUNICIPALITY

Appearance:

1. Special Civil Application No. 5397 of 1991

MR HA RAICHURA for Petitioner No. 1

MR BN RAVAL for Petitioner No. 1

MR YN OZA for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 06/03/2002

ORAL JUDGEMENT

1 This matter was admitted along with SCA No.5384 of 1991 on 19/10/1992 by a common order. The attention of

the Court was invited by the learned Advocate appearing on behalf of the respondent municipality that the said matter being SCA No.5384 of 1991 has already been finally disposed of by this Court on 29/09/2000 (Coram : R.K.Abichandani, J). It is urged therefore that as the facts are identical this matter may also be disposed of on the same line.

2 A copy of the judgement dated 29/09/2000 rendered in SCA No.5384/91 has been placed on record. Identical relief has been sought for in this matter on same set of facts. No distinguishing feature has been pointed out and hence it is not possible to take a different view in the present matter from the one taken in SCA No. 5384/91.

3 Paragraph 4 of the said judgement reads as under:

> "4. It is evident that the petitioner who was a daily-wager cannot claim any regularisation in Municipal services, which is governed by Rules and Regulations. If any rights of the petitioner as daily-wager recognized under the Industrial law are violated, it will be open for the petitioner to take recourse to an appropriate remedy under the Industrial law. The petitioner has not made out any case of violation of any of his fundamental or legal rights and therefore, there is no warrant for grant of any of the reliefs sought for by the petitioner in this matter xx xxx "

4. For the self same reasons this petition is therefore rejected. Rule is discharged. There shall be no order as to costs.

Sd/-
(D.A.Mehta, J)

m.m.bhatt